



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,785	02/15/2002	Juraj Kellyer	INV:101-US-	6098
24041	7590	06/01/2006	EXAMINER	
SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406			CHOWDHURY, NIGAR	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/049,785	JURAJ KELLYER	
	Examiner	Art Unit	
	Nigar Chowdhury	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-19 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 5-19 is/are rejected.
- 7) ☒ Claim(s) 12-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 12-16 are objected to because of the following informalities: Claims 12-16 should be depend on claim 10 instead of "claim 2". The following office action is written for claims 12-16 is depending on claim 10.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 5, 8-11, 14, 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,502,573 by Fujinami.

3. Regarding claim 5, a method of synchronizing audio and video recordings comprising (Col. 1 line 19, 20):

- Inserting real time data elements into audio and video recordings during recording procedures (Col.1 line 28-37)

- Analyzing real time data elements of audio and video recordings during reproduction (Col. 2 line 47-67)
 - Comparing real time data elements of audio and video recordings (Col. 2 line 47-67)
 - Synchronously reproducing audio and video recordings as a function of real time data elements wherein real time data elements comprise real time components comprising information pertaining to location and time of a recording (Col. 1 line 19-37 and line 47-51. Video packet start code is to identify the beginning of the video packet which is location of the information).
4. Regarding claim 8, the method as recited in claim 1 wherein real time data elements comprises an extension portion modifiable by an operator (Col. 3 line 15-20)
5. Referring claim 9, the method as recited in claim 5 wherein the synchronization of audio and video recordings is independent with respect to location of recording (Col. 9 line 6-15. Synchronizing is depends on time not location.)
6. Referring claim 10, the method as recited in claim 5 wherein the synchronization of audio and video recordings is independent with respect to recording device (Col. 9 line 6-15. Synchronizing is depends on time not recording device. Col. 6 line 35-38.)

7. Referring claim 11, the method as recited in claim 5 wherein the synchronization of audio and video recordings is independent with respect to recording medium (Col. 9 line 6-15. Synchronizing is depends on time not recording medium. Col. 6 line 35-38.)
8. Regarding claim 14, the method as recited in claim 10 wherein recording device comprises an optical disk (Col. 1 line 24).
9. Referring claim 17, the method as recited in claim 5 adapted to synchronize two or more audio recordings (Col. 12 line 36-38)
10. Referring claim 18, the method as recited in claim 5 adapted to synchronize two or more video recordings (Col. 13 line 64 – Col. 14 line 5).
11. Regarding claim 19, the method as recited in claim 5, adapted to synchronize at least one audio recording with at least one video recordings (Col. 10 line 4-9)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,502,573 by Fujinami in view of U.S. Patent No. 5,408,330 by Squicciarini et al.

13. Regarding claim 6, Fujinami teaches the method wherein information pertaining to time of a recording comprises hour, minute, second and milliseconds units. (See Col. 1 line 36). Fujinami fails to teach time of recording comprises year, month, date.

Squicciarini teaches time of recording which contain the year, month, and date. (See Fig. 2, Col. 5 line 26, 27).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have time display with year, month and date as an identification information for future.

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,502,573 by Fujinami in view of U.S. Patent No. 6,363,411 by Dugan et al.

15. Regarding claim 7, Fujinami teaches the method wherein information pertaining to time of a recording comprises hour, minute, second and milliseconds units. (See Col. 1 line 36). Fujinami fails to teach location of a recording comprises a country code.

Dugan teaches country code in location of recording. (Col. 63 line 34-48, Col. 64 line 31-34)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a location of recording comprises a country code to see which county it's belongs to and also can keep as an index for later.

16. Claims 12, 13, 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,502,573 by Fujinami in view of U.S. Patent No. 6,282,362 by Murphy et al.

17. Regarding claim 12, Fujinami teaches the method wherein recording device comprises an optical disk (Col. 1 line 24). Fujinami fails to teach a recording device comprises a magnetic tape.

Murphy teaches a recording device comprises a magnetic tape (Col. 8 line 58, 59)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a magnetic tape for long-term persistent storage which can retain the stored information even when system is not powered.

18. Regarding claim 13, Fujinami teaches the method wherein recording device comprises an optical disk (Col. 1 line 24). Fujinami fails to teach a recording device comprises a magnetic disk.

Murphy teaches a recording device comprises a magnetic disk (Col. 8 line 58, 59)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a magnetic disk for information to read from and write to it and it is also convenient for a user to record and edit the information from it.

19. Regarding claim 15, Fujinami teaches the method wherein recording device comprises an optical disk (Col. 1 line 24). Fujinami fails to teach a recording device comprises a film tape.

Murphy teaches a recording device comprises a film tape (Col. 8 line 58, 59)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a film tape for long-term persistent storage which can retain the stored information even when system is not powered.

20. Regarding claim 16, Fujinami teaches the method wherein recording device comprises an optical disk (Col. 1 line 24). Fujinami fails to teach a recording device comprises a memory chip.

Murphy teaches a recording device comprises a film tape (Col. 8 line 58-60)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a memory chip for general storage and transfer of data between computers.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

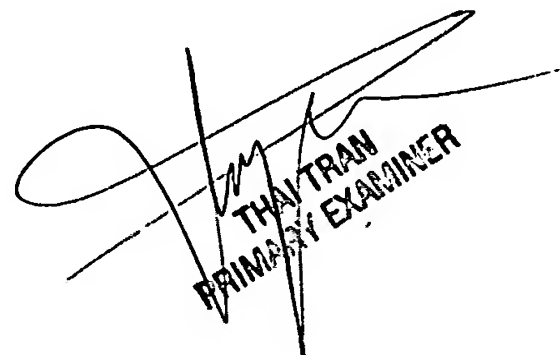
1) 6,529,804, 2) 5,802,239, 3) 6,608,963

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nigar Chowdhury whose telephone number is 571-272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NC
05/22/2006


THAI TRAN
PRIMARY EXAMINER